

Application No.: 10/728,358
Docket No.: LP4820 US NA

Page 4

Remarks

The claims have been amended. Specifically, claims 1-8, which were previously withdrawn, have now been canceled. Applicant reserves the right to prosecute these claims in a divisional application.

Claims 9-20 are currently pending. Applicant specifically requests non-entry of the amendments included in the Amendment and Response dated April 3, 2006.

In view of the new arguments/remarks set forth below, Applicant respectfully requests reconsideration of the present application.

Applicant's Response to Rejection of Claims Under 35 U.S.C. §103

Claims 9-20 have been rejected as obvious under 35 U.S.C. §103(a) in view of U.S. Patent No. 3,940,917 to Strachan ("Strachan"), as the primary reference, in combination with other references. Specifically, claims 9-20 have been rejected under Section 103 over Strachan in view of U.S. Patent No. 5,896,634 to Brodowski et al. ("Brodowski"), claims 9-10 and 12-20 have been rejected over Strachan in view of Japanese Patent No. 4 733 754 to Nakatomi et al. ("Nakatomi"), claims 9-16 have been rejected over Strachan in view of U.S. Patent No. 3,719,664 to Hayes et al. ("Hayes"), claims 13-20 have been rejected over Strachan in view of Brodowski and further in view of U.S. Patent No. 3,867,242 to Miller ("Miller"), claims 13-20 have been rejected over Strachan in view of Nakatomi and further in view of Miller, and claims 13-16 have been rejected over Strachan in view of Hayes and further in view of Miller.

Each of these rejections is respectfully traversed on the grounds that the Examiner has failed to establish a *prima facie* case of obviousness because the references fail to disclose, teach or suggest every element of the present claims. Specifically, no reference discloses, teaches or suggests at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn.

The present invention is directed to a size-covered composite yarn which is an alternative to composite yarns where the elastomeric fibers are covered with hard yarns in a

Application No.: 10/728,358
Docket No.: LP4820 US NA

Page 5

single-wrapping, double-wrapping, core spinning, twisting or entangling method. The present invention avoids the necessity of covering the elastomeric strands in this manner by providing a composite aligned yarn which has been immersed in a sizing solution subsequent to the positioning of the elastomeric strand and the hard yarn in an aligned manner.

The meaning of the word "align" is well-known to the person of skill in the art. The Cambridge Dictionary of American English defines the verb "align" as "to put (two or more things) into a *straight* line." (emphasis added). Merriam-Webster expands on this definition as follows:

Main Entry: align

Function: verb

Etymology: French aligner, from Old French, from a- (from Latin ad-) + ligne line, from Latin linea

transitive senses

1 : to bring into line or alignment

2 : to array on the side of or against a party or cause

intransitive senses

1 : to get or fall into line

2 : to be in or come into precise adjustment or correct relative position

The present claims require not only that the hard yarn and the elastomeric strand be substantially parallel to each other, but that they form an aligned yarn. This is in accordance with the well-known meanings of the term "align," which is derived from a Latin word meaning "line." Therefore, the elastomeric strand and the hard yarn of the present invention must each form a line in order to form the aligned yarn.

It is clear with respect to the present invention the term align requires that the hard yarn and elastomeric strand each be in a straight line and parallel to each other. This linear relationship between the hard yarn and the elastomeric strand is plainly evident as shown in Figures 3A and 3B. The hard yarns and the elastomeric strand as shown in Figures 3A and 3B are plainly set forth in-line.

Among the cited references, the Examiner has only cited Strachan as allegedly teaching a composite yarn having at least one elastomeric fiber forming a strand and at least one hard yarn wherein the hard yarn is aligned adjacent and substantially parallel to the strand to make an aligned yarn. However, Strachan does not disclose, teach or suggest the alignment of at least one elastomeric strand and at least one hard yarn as in the present invention.

Application No.: 10/728,358
Docket No.: LP4820 US NA

Page 6

Strachan is directed to a composite yarn including hard yarns which cover and protect an elastic yarn. This is described at Column 2, lines 13-16, where "relatively inelastic filaments [are] entangled tightly around the elastic yarn in intermittent zones of random braided structure and otherwise extending substantially parallel to the elastic yarn." Strachan utilizes a conventional covering method, i.e., entangling the hard yarns around the elastic yarn.

Although Strachan arguably teaches that portions of the composite yarn have an elastomeric strand and a hard yarn which are "substantially parallel" to each other, Strachan clearly provides no disclosure, teaching or suggestion of a composite yarn wherein the hard yarn and elastomeric strands have been linearly positioned with respect to each other to form an aligned yarn, as in the present invention. Moreover, Strachan points out that there is no need to fuse the fibers at Column 9, lines 40-41, which is the result of adding a size material in the present invention. By pointing out that such a step is unnecessary, Strachan in effect teaches away from the present invention which requires a size material forms "an adhesive that adheres the strands and the hard yarn of the aligned yarn together."

The remaining references are cited to show the combination of a yarn with a sizing material, and therefore, do not cure the deficiencies of Strachan in establishing a *prima facie* case of obviousness.

Considering that Strachan fails to disclose, teach or suggest an elastomeric strand and a hard yarn which form an aligned yarn, the combination of Strachan with any of the other references fails to establish a *prima facie* case of obviousness. Furthermore, Strachan teaches away from combination with the other cited references which teach the use of a sizing material since Strachan teaches that there is no need for fusing the filaments of the yarn provided therein. Therefore, reconsideration and withdrawal of the rejections under Section 103 are appropriate and respectfully requested.

In view of the remarks set forth above, reconsideration and withdrawal of the rejections are appropriate and respectfully requested. Applicant submits that the present claims are patentably distinct over the art and in allowable form. Early allowance is, therefore,

Application No.: 10/728,358
Docket No.: LP4820 US NA

Page 7

solicited. If the Examiner has any questions regarding this response, the Examiner is invited to contact the undersigned attorney.

Date:

May 3, 2006

Respectfully submitted,

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